

Remarks

Claims 1-22 are pending in the application. Claim 21 was first allowed in an Office Action mailed June 22, 2007. In a final Office Action mailed November 30, 2007, the Patent Office allowed claims 1, 3-6, 8-15 and 17-21, and rejected claims 2, 7, 16 and 22. Applicants hereby amend claims 2, 7, 11, 16 and 22. No new matter is introduced by these amendments, which the applicants believe place the claims in form for allowance, or in better form for appeal.

The Patent Office has rejected claims 2, 7, 16 and 22 under 35 U.S.C. § 112, second paragraph, asserting that the transitional phrase "consisting essentially of" appearing in claims 2, 7 and 22 is unclear absent an appropriate definition in the specification, and the recitation of "a host cell" in claim 16 was ambiguous as to whether the cell is isolated or in the body of a larger organism. Office Action, page 2. While not conceding the correctness of the Patent Office's position (*see* Amendment and Response, filed September 24, 2007), in the interest of advancing the prosecution the applicants hereby amend claims 2, 7 and 22 to read "consisting of," which unambiguously defines the claimed invention. Claim 16 has been amended to specify that the host cell is isolated. Support for these amendments is found throughout the specification, in particular at page 4, fifth full paragraph, page 6, third full paragraph, page 8, last paragraph, page 9, fifth and sixth paragraphs, and the working Examples.

The Patent Office also has rejected claims 2, 7 and 22 under 35 U.S.C. § 112, first paragraph, asserting that the phrase "consisting essentially of" finds no written support in the specification. Office Action, page 4. While not conceding the correctness of the Patent Office's position (*see* Amendment and Response, filed September 24, 2007), in the interest of advancing the prosecution the applicants hereby amend claims 2, 7 and 22 to change the phrase "consisting essentially of" to read "consisting of." Written support for the claims as presently amended is found throughout the specification, and in particular at page 4, fifth full paragraph, page 6, third full paragraph, page 9, fifth paragraph, and the working Examples.

The amendment to claim 11 is to remove the extraneous word "for," correcting a grammatical error in the claim language created by the previous amendment.

Finally, Applicants provide herewith a certified copy of the priority document, Austrian application 1397/2002, filed September 17, 2002. Applicants respectfully request that priority as of that date be granted.

In view of the foregoing, the pending rejections of claims 2, 7, 16 and 22 can properly be withdrawn. Entry of the present amendments, and favorable action on the claims is earnestly solicited.

Sandoz Inc.
506 Carnegie Center
Suite 400
Princeton, NJ 08540-6243
(609) 627-8550

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Respectfully submitted,



Mark I. Bowditch
atty for Applicants
Reg. No. 40,315